

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	04 C 3913	DATE	8/3/2004
CASE TITLE	IGOR VLADIMIR ASLAN vs. SHEAHAN, et al		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

MEMORANDUM OPINION AND ORDER

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Plaintiff's motion for leave to appeal in forma pauperis is denied.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	LG courtroom deputy's initials	1800C 10181510 CLERK 24:9 PM 8-3-2004 FILED-ED	number of notices	Document Number 14
			AUG 04 2004 date docketed	
			date mailed notice	
			mailing deputy initials	
			Date/time received in central Clerk's Office	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IGOR VLADIMIR ASLAN)

Plaintiff,)

v.)

SHEAHAN, et al.,)

Defendants.)

DOCKETED

AUG 04 2004

No. 04 C 3913

MEMORANDUM OPINION AND ORDER

Plaintiff Igor Aslan filed a *pro se* complaint against his former landlord, his landlord's business partner, the Cook County Sheriff, and directors and officers of the U.S. Department of Homeland Security and the Immigration and Naturalization Service (INS). Along with his complaint, plaintiff also filed a petition to proceed *in forma pauperis* and a motion for appointment of counsel. We denied plaintiff's petition and motion and dismissed his complaint in a Memorandum Opinion and Order dated June 21, 2004. As we explained in that decision we did not have jurisdiction over some of plaintiff's claims and other allegations did not constitute claims upon which relief could be granted. Plaintiff also filed a motion to reconsider, in which he changed the focus of his claims from his landlords' tortious acts ten years ago to plaintiff's unlawful and continuing detention by the INS. In our Memorandum Opinion and Order dated July 1, 2004, we denied this motion, in part, because, contrary to plaintiff's allegations, he was no longer being detained by the INS.


Plaintiff has now filed a "Motion to Appeals [sic] Case." We understand this as a petition for leave to appeal *in forma pauperis*. An appeal may not be taken *in forma pauperis* if the trial

14

court certifies that it is not taken in good faith. 28 U.S.C. § 1915(a). The Seventh Circuit has cautioned that it is “presumptively erroneous” for a court to grant leave to appeal *in forma pauperis* after dismissing a suit as frivolous. Hains v. Washington, 131 F.3d 1248, 1250 (7th Cir. 1997)(citing Tolefree v. Cudahy, 49 F.3d 1243, 1244 (7th Cir. 1995). Nonetheless, “[e]xceptional cases may arise in which a district court grants leave to appeal in forma pauperis to a plaintiff who appeals a close question under § 1915A in good faith.” Hains, 131 F.3d at 1250. This is not one of those exceptional cases. For the reasons stated in our two previous decisions in this case, we find that this appeal lacks an arguable basis and deny plaintiff leave to appeal *in forma pauperis*.

CONCLUSION

Plaintiff’s motion for leave to appeal *in forma pauperis* is denied.


JAMES B. MORAN
Senior Judge, U.S. District Court

August 3, 2004